

HOUSE BILL 2160

By Bunch

AN ACT to amend Tennessee Code Annotated, Section 40-35-304, relative to restitution.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-35-304, is amended by adding the following language as a new, appropriately designated subsection:

( )

(1) Notwithstanding the provisions of any law to the contrary, upon expiration of the time of payment or the payment schedule imposed pursuant to subsection (c) or (g), if any portion of such restitution remains unpaid, then the victim or the victim's beneficiary may convert the unpaid balance into a civil judgment in accordance with the procedure set forth within this subsection.

(2) Within the twelve (12) month period following expiration of the time of payment or the payment schedule imposed pursuant to subsection (c) or (g), the victim or the victim's beneficiary may file a certified copy of the restitution order with an appropriate civil court having jurisdiction over the total amount of restitution ordered.

(3) Upon receipt of such restitution order, the civil court must take proof as to the amount of ordered restitution actually paid. If the court finds that the amount of restitution actually paid is less than the total amount of restitution ordered pursuant to subsections (c) or (g), then the court must enter a judgment in favor of the victim or the victim's beneficiary and against the defendant for the amount of the unpaid balance of such restitution.

(4) A civil judgment entered pursuant to this subsection shall remain in effect for a period of ten (10) years from the date of entry and shall be enforceable by the victim or the victim's beneficiary in the same manner and to the same extent as other civil judgments are enforceable.

SECTION 2. This act shall take effect July 1, 2000, the public welfare requiring it.